

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 2853**

**Introduced by Assembly Member Diaz**

February 25, 2002

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An act to add Section 3517.1 to the Government Code, relating to state employees.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2853, as amended, Diaz. State employees: engineers: prevailing wages.

Existing law establishes the conditions and procedures under which state employees may be represented by employee organizations on matters of employer-employee relations and requires the Governor or his or her representative to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.

This bill would require that state employees in specified engineer and related classifications shall receive prevailing wages no less than salaries received by the counterparts in larger local agencies and the University of California based on a specified survey of the Department of Personnel Administration and calculated in a specified manner. *The bill would specify that implementation of the salary increases shall be contingent upon the appropriation of necessary funds in the annual Budget Act and would require implementation of the increases over a 3-year period, as specified.* The bill would require the department, and

request a recognized employee organization, to jointly conduct an analysis of the prevailing wage paid to engineering and related professional employees of private firms contracting with state agencies and to report their findings to the Legislature no later than December 1, 2003.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3517.1 is added to the Government  
2 Code, to read:  
3 3517.1. (a) Employees in classifications in State Bargaining  
4 Unit 9, the Professional Engineer unit, and other employees in  
5 classifications with collective bargaining identifications related to  
6 Unit 9, including, but not limited to, S09, M09, and E09  
7 classifications, shall receive prevailing wages no less than salaries  
8 received by their counterparts in California's larger local agencies  
9 and the University of California. The comparison shall be based  
10 on the Department of Personnel Administration's survey of  
11 Professional Engineer Benchmarks, utilizing the California public  
12 agencies and the University of California included in the  
13 department's survey published in November 2001, and the local  
14 agency classifications and salary range matches contained therein.  
15 Prevailing wages or salaries shall include employer payment of  
16 employee contributions to the California Public Employees  
17 Retirement System or similar retirement program for those  
18 agencies. Salaries for those classifications and agencies shall be  
19 updated no less than once per year. The agencies and  
20 classifications included in the survey shall only be changed upon  
21 agreement between the Department of Personnel Administration  
22 and the recognized employee organization.  
23 (b) The calculation of the prevailing wage lead or lag for  
24 state-employed Unit 9 and related employees shall be based on  
25 weighted average salaries of employees in the classifications in  
26 those agencies in the following manner: prevailing wages at the  
27 entry level shall be based on the bottom step of salary ranges and  
28 prevailing wages for the professional registration required and full  
29 supervisor levels shall be based on the top step of the salary ranges.  
30 Other steps in the salary ranges and the prevailing wage for

1 intermediate classifications and ranges between the entry and full  
2 supervisory levels shall be based on the procedures prescribed in  
3 this chapter.

4 (c) (1) Salaries for employees in State Bargaining Unit 9 and  
5 affiliated employees shall be increased as necessary to correspond  
6 to the timing of the prevailing wages received by local agency  
7 employees included in the survey, with adjustments in the state  
8 employee compensation occurring no less than once every 12  
9 months. In no event shall state employee salaries be reduced as a  
10 result of this provision. The Department of Personnel  
11 Administration and the recognized employee organization may  
12 negotiate salaries above the minimum level on any general,  
13 regional, specialty, classification, department, or other basis they  
14 choose.

15 (2) *Implementation of subdivision (a) shall be phased in over*  
16 *three fiscal years commencing on July 1, 2003, as follows:*

17 (A) *Effective July 1, 2003, no less than one-third of the total*  
18 *salary increases as calculated pursuant to this section.*

19 (B) *Effective July 1, 2004, no less than two-thirds of the total*  
20 *salary increases as calculated pursuant to this section.*

21 (C) *Effective July 1, 2005, and in each and every subsequent*  
22 *year, the total amount of the salary increases as calculated*  
23 *pursuant to this section.*

24 (d) The Department of Personnel Administration is directed  
25 and the recognized employee organization is requested to jointly  
26 conduct an analysis of the prevailing wage paid to engineering and  
27 related professional employees of private firms which provide  
28 engineering and related services through contracts with state  
29 agencies or departments and to report the findings of their analysis  
30 to the Legislature no later than December 1, 2003.

31 (e) *Implementation of subdivisions (a) to (c), inclusive, shall be*  
32 *contingent upon the appropriation of the necessary funds in the*  
33 *annual Budget Act.*